

DAVIS GRIMM PAYNE & MARRA

Attorneys at Law
701 FIFTH AVENUE, SUITE 4040
SEATTLE, WA 98104
(206) 447-0182 (Phone)
(206) 622-9927 (Fax)
www.dgplaw.com

JOHN M. PAYNE
JOSEPH G. MARRA
CHRISTOPHER L. HILGENFELD
SELENA C. SMITH
BRIAN P. LUNDGREN

ERIK M. LAIHO
MARGARET M. DAVIS
JOSHUA D. BRITTINGHAM
AMY C. PLENEFISCH (Of Counsel)
WILLIAM T. GRIMM (Of Counsel)
JOSEPH L. DAVIS (1985–2006)

September 14, 2018

Ms. Angela MacNeil
Industrial Relations Agent
WA Dept. of Labor & Industries
Prevailing Wage Program
950 Broadway, Suite 200
Tacoma, WA 98402

RECEIVED
SEP 17 2018
DEPARTMENT OF L&I
TACOMA, WA

Re: Mats Mats; Prevailing Wage Investigation
Your Letter of August 24, 2018

Dear Ms. MacNeil:

This is in response to your August 24, 2018 letter concerning the above-captioned matter. I will be brief.

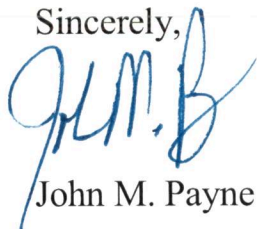
- (1) Detailed Breakdown. By separate letter, we have requested a detailed breakdown of the amounts allegedly due. Your 2-page summary of “Name” and “Wages” claimed is not helpful.
- (2) Glacier’s Defense. You continue to assert that our primary defense to the claim is based on Glacier’s lack of notice that its work at Mats Mats was covered by RCW 39.12.

While this is a valid defense, it is far from Glacier’s only defense. The fact that LNI continues to boldly challenge this position tells me you are not as comfortable responding to our other defenses to this claim.

- (3) Duties, Wages, and Benefits. On February 6, 2018, we sent you a detailed breakdown of all employees, their duties, wages, hours, and benefits at Mats Mats. I fail to understand how LNI cannot determine the work performed by each listed employee at Mats Mats. This is particularly the case, as LNI representatives personally visited the Mats Mats site.
- (4) May 9, 2017 and June 9, 2017 Replies. Glacier's reply of May 9, 2017 and its replies to the position statements of IUOE Local 302 explain our defense. We are not waiving any additional defenses that will arise in the future.

In sum, you are trying to make new law under the guise of interpretation. Furthermore, your Agency is aware that other entities/pits received STP tunnel spoils. Yet, you have zeroed in on Mats Mats to the exclusion of all others, because IUOE Local 302 wants you to. Even WSDOT agrees that prevailing wages are not due for this work at Mats Mats.

My client will not pay the sum demanded.

Sincerely,

John M. Payne

JMP:tac

cc: Scott Nicholson
Rob Binam
Jim Christensen

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